

# DOCKET

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## UPDATED INFORMATIVE DIGEST

Title 20, Division 2, Rules of Practice & Procedure and Power Plant Site Certification Regulations, as adopted:

The California Energy Commission (Energy Commission) was created by the Warren-Alquist State Energy Resources Conservation and Development Act (Public Resources Code section 25000, et seq.). The Act vests the Commission with a wide range of duties and responsibilities related to the development and conservation of energy resources in California, including a comprehensive siting process for thermal power plants 50 megawatts or greater and related transmission lines, fuel supply lines, and related facilities. (Public Resources Code section 25500, et seq.)

On October 6, 2004, the Energy Commission issued an Order Instituting Rulemaking (Order) to revise, as needed, the regulations governing the Rules of Practice and Procedure and Power Plant Site Certification. The Energy Commission has adopted revisions to the regulations. The Rules of Practice and Procedure applicable to the siting process are found in the California Code of Regulations, Title 20, Division 2. Several of these sections required updating because specific statutes have been repealed. In addition, amendments have been proposed that would provide consistency with the Administrative Procedures Act, and help clarify the process for both parties and the public.

The Energy Commission published its Notice of Proposed Rulemaking (NOPA) on December 29, 2006, in the California Regulatory Notice Register. Two hearings were scheduled for January 17, 2007 and February 14, 2007, the latter was rescheduled to February 28, 2007, and no additional hearings were requested by any member of the public. The last day for written comment on the NOPA was February 12, 2007. One written comment on the proposed rulemaking was received during the second round of public comments by the Energy Commission and was responded to on February 14, 2007. An update of information contained in the Initial Statement of Reasons is being made because the Energy Commission made three substantive and sufficiently related changes, due to comments on the proposed regulations. The Notice of Proposed Change (NOPC) was mailed February 13, 2007, to the parties required by Title 1, Section 44, of the California Code of Regulations, identifying the changes. The 15-Day NOPC comment period closed on February 27, 2007 with no comments received.

On February 28, 2007, the Commission held a final public hearing to receive comments on the proposed amendments and to consider their adoption. After considering all comments received and the staff's responses, the Commission voted unanimously to approve the amendments to the Rules of Practice & Procedure and Power Plant Site Certification Regulations.

Vote: 5-0. Fiscal impacts: no. State-mandated local program: no.